



U.S. Department of Justice

United States Attorney
Southern District of New York

Application granted. The next status conference is scheduled for August 12, 2024 at 10:00 a.m. It is the Government's responsibility to have the defendant produced to Courtroom 520 at that time. The Clerk of Court is respectfully requested to terminate the pending letter-motion (Doc 21).

SO ORDERED.

Philip M. Halpern
United States District Judge

Dated: White Plains, New York
June 21, 2024

BY ECF & EMAIL

The Honorable Philip M. Halpern
United States District Judge
Southern District of New York
White Plains, New York 10601

Re: *United States v. Jerry Holmes*, 23 Cr. 590 (PMH)

Dear Judge Halpern:

On June 20, 2024, the defendant, Jerry Holmes, requested a change in counsel. That same day, the parties appeared before the Honorable Victoria Reznik, United States Magistrate Judge, and Frank O'Reilly, Esq., was appointed to represent Holmes. To give defense counsel sufficient time to review the discovery record and build a relationship with Holmes, the Government submits that a status conference should be scheduled for approximately 60 days from today. The Government has conferred with defense counsel and understands that the parties are available the week of August 12, 2024, with the exception of August 16, as well as the week of September 9, 2024.

In addition, the Government submits that an exclusion of time from today to and through the next pre-trial conference would serve the interests of justice by allowing newly appointed defense counsel time to review discovery, build a relationship with his client, contemplate any motions that might be filed, and to discuss a pre-trial disposition with the Government. Defense counsel has informed the Government that the defense consents to this request.

Accordingly, the Government requests that the Court enter the attached proposed order.

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney

By: /s/ David A. Markewitz

David A. Markewitz
Assistant United States Attorney
(914) 993-1920

Cc: Counsel of Record (ECF)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

JERRY HOLMES,

Defendant.

[Proposed] Order

23 Cr. 590 (PMH)

WHEREAS, on or about November 14, 2023, a grand jury returned a five-count indictment, charging the defendant with violations of 18 U.S.C. § 922(g)(1), 924(c)(1)(A)(i), and 21 U.S.C. § 841(a)(1) and (b)(1)(C);

WHEREAS, on or about June 20, 2024, a change of counsel hearing was held before the Hon. Victoria Reznik, United States Magistrate Judge, Southern District of New York, at which Frank O'Reilly, Esq. was appointed to represent the defendant;

WHEREAS, on or about June 20, 2024, the government moved to exclude time to and through the next status conference;

WHEREAS, the defense consents to that request;

WHEREAS, the ends of justice would be served by excluding time to and through the next status conference to permit newly appointed defense counsel time to review the discovery record, build a rapport with his client, contemplate any motions that might be made, and engage in discussions with the government concerning whether a pre-trial disposition of this case might be possible;

WHEREAS, the benefits of excluding time outweigh the best interest of the public and the defendant in a speedy trial; and

WHEREAS, a future status conference has not yet been scheduled;

IT IS HEREBY ORDERED that a pre-trial status conference is scheduled for _____, 2024;

IT IS FURTHER ORDERED that the time between June 20, 2024 and the next status conference in this case is excluded under the Speedy Trial Act, as the ends of justice served by such an exclusion outweigh the best interest of the public and the defendant in a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A).

SO ORDERED:

Dated: White Plains, New York
June ____, 2024

HON. PHILIP M. HALPERN
UNITED STATES DISTRICT JUDGE